

1 JONATHAN B. GOLDSMITH
2 Nevada Bar No. 11805
3 500 South 4th Street, Suite 500
4 Las Vegas, NV 89101
5 Telephone: (702) 818-4739
6 jonathan@vegaslawsite.com
7 Appellant

8
9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 In re:) Case No. 2:15-cv-2473-JAD
13 LUIS BURGOS and) Appeal from Bankruptcy Case No.
14 DORIAN BURGOS) 12-16894-MKN
15 Debtor.) Chapter 11
16 _____)
17 JONATHAN B. GOLDSMITH, ESQ.,)
18 Appellant,)
19 vs.)
20 UNITED STATES TRUSTEE,)
21 Appellee.)
22

23 **STIPULATION TO EXTEND BRIEFING SCHEDULE (FOURTH REQUEST)**

24 COMES NOW Appellant JONATHAN B. GOLDSMITH, ESQ., and Appellee UNITED
25 STATES TRUSTEE, and hereby stipulate to and file this Stipulation to Extend Briefing Schedule
26 (“Stipulation”) pursuant to LR 6-1(b) and LR 7-1.

27 **1) Status of Appeal**

28 This proceeding was commenced on December 22, 2015, when appellant filed a notice of
appeal from bankruptcy court order (1) granting Appellee’s motion for disgorgement of fees
pursuant to 11 U.S.C. 329 that were paid to Appellant; and (2) denying Appellant’s request for
allowance of fees and expenses pursuant to 11 U.S.C. 330 (Bankr. Dkt. No. 175).

In accordance with Fed. R. Bankr. P. 8009, Appellant filed a designation of record (Bankr. Dkt. No. 182), a statement of issues (Bankr. Dkt. No. 184), and ordered a transcript of the underlying bankruptcy proceeding (Bankr. Dkt. No. 183). Appellee filed her supplement designation of record (Bankr. Dkt. No. 189). The record on appeal was transmitted by the Bankruptcy Court on January 12, 2016.

The parties had reached a settlement to resolve this appeal, and sought a stay of the briefing schedule which was granted. (Bankr. Dkt. No. 13). Due to a dispute between the parties, a settlement did not occur. The Bankruptcy Court entered an Order on June 15, 2016 denying the motion to approve settlement agreement as having been withdrawn. On July 5, 2016, the Court entered an Order Lifting Stay and Resetting Briefing Schedule. (Bankr. Dkt. No. 16). On July 25, 2016, the parties filed their third stipulation to reset the briefing deadlines. (Bankr. Dkt. No. 18). The Court entered an Order granting the third stipulation on July 26, 2016. (Bankr. Dkt. No. 19).

2) Request for 60-day extension to file Briefs

a. When the briefs are initially due.

Currently, Appellant's opening brief is due September 22, 2016. Appellee's answering brief is due November 7, 2016. Appellant must file and serve its reply brief by November 21, 2016.

b. How many extensions of time have been granted.

The Court previously granted three extensions of time for the briefing schedule. The first extension was granted by the Court's Order on January 20, 2016. (Bankr. Dkt. No. 11). The second extension was granted by the Court's Order on February, 19 2016. (Bankr. Dkt. No. 13) when the case was sent to the Bankruptcy Court on limited remand. The Court entered an Order granting the third stipulation on July 26, 2016. (Bankr. Dkt. No. 19).

c. Reason why this extension is necessary.

Appellant is attempting to settle the case through Debtors by and through their legal

representative, which the parties believe may lead to settlement on all issues under appeal. Given
1
that Debtors and their representative are not parties to this appeal, Appellant encountered difficulties
2
during the last extension of time granted by the Court arranging the necessary settlement meetings to
3
facilitate a global settlement. The parties are seeking respective 60 day extensions to the opening
4
and answering brief due to the reasons stated above and other conflicting scheduling deadlines.
5
6

d. Specific amount of time requested.

The parties seek a 60-day extension of time that will allow Appellant until November 21, 2016 to
8
file an opening brief. Appellee's answering brief will be due within 60 days after the opening brief is
9
due on January 20, 2017. Appellant must file and serve a reply brief within 14 days after the
10
answering brief is due on February 3, 2017.
11
12

3) Conclusion

Wherefore, Appellant and Appellee request that this stipulation for an extension of time to
14
file their respective briefs as set forth above be granted.
15

IT IS SO STIPULATED.

Dated: September 19, 2016

/s/ Jonathan B. Goldsmith
Jonathan B. Goldsmith
Appellant

Dated: September 19, 2016

/s/ Terri H. Didion
Terri H. Didion
Trial Attorney for Appellee
United States Trustee

IT IS SO ORDERED.

Dated: September 20, 2016.


Honorable Jennifer A. Dorsey
United States District Judge